

# Research Paper

Acas Mediation 2010/11: Responses from participants and commissioners

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Acas Research & Evaluation Section

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1 April 2010 – 31 March 2011

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## **1 Introduction**

Acas carries out a comprehensive review of all of its services in order to improve efficiency and effectiveness. This report focuses on the charged-for individual mediation service offered by Acas, where an independent mediator helps to resolve conflicts or disputes between individual workers or between individuals and their line managers. Acas defines mediation as 'an informal way of resolving disagreements or disputes in the workplace. It can avoid the need to use more formal or legal procedures. It involves a neutral third person working with those in dispute to help them reach an agreement and is a confidential and voluntary process'.

Acas sends questionnaires to participants and commissioners of mediation once a case is closed. This report is based on questionnaires received between 1 April 2010 and 31 March 2011. During this period completed questionnaires were received from 165 participants taking part in a total of 119 mediations. The commissioners of 99 mediations during this period also completed questionnaires.

## **2 Key Findings**

- Almost four in five mediations (79 per cent) involved a dispute where one party had authority over the counterparty.
- Almost three quarters of participants (73 per cent) felt the Acas mediation had either completely or partly resolved the issue and of these more than eight in ten (82 per cent) were satisfied with the outcome reached.
- The majority (59 per cent) of participants felt that the mediation intervention was too late, whilst 41 per cent felt that the timing was about right. No participants felt that the mediation came too early in the process.
- Seventy nine per cent of participants were satisfied with the mediation.
- As is to be expected, satisfaction was highest amongst participants where the issue was felt to have been resolved.
- Eighty nine per cent of commissioners were satisfied overall with the Acas Individual Mediation service.

## **3 Profile of respondents**

Two thirds of mediation commissioners (67 per cent) described their role as being an HR or personnel manager, 11% as a general manager and the remainder (21 per cent) answered 'other'.

Participants were asked whether they were an employee or a manager and the form also includes a number of demographic monitoring questions which were completed, at least in part, in the vast majority (91 per cent) of cases. The following will detail these responses.

The largest group (59 per cent) described themselves as participating in the mediation as an employee, approximately two in five (39 per cent) as a manager and the remainder (six per cent) answered other.

The majority of mediation participants (62 per cent) were female. Ages of participants ranged from 23 to 64 years, the average being 45 years old. More than nine in ten (92 per cent) described their ethnicity as 'Any White Background'. Just fewer than one quarter (24 per cent) indicated that they had a long-term illness, health problem or disability. Just fewer than three in five (58 per cent) described their religion as Christian with 'no religion' being the second most common response (36 per cent) to this question. Ninety two per cent described themselves as being heterosexual or straight. Because we are unsure of any response bias, it is not clear whether this reflects the general population of mediation participants.

#### 4 Background to the mediation

As evidenced in table 1, almost four out of every five (79 per cent) mediations involved a dispute where one individual or group had authority over the other party (the first four categories in the table); the most common of which involved an employee and his/her line manager (68 per cent).

**Table 1: Relationship between parties involved in mediation**

An employee and his/her line manager	68%
A group of employees and their line manager	5%
An employee and another individual who has authority over him/her in the organisation	6%
A group of employees and another individual who has authority over them in the organisation	-
Two individuals where there is no authority relationship	18%
An individual and a group where there is no authority relationship	1%
Two groups of employees	-
Other	2%
Base	99

It is of interest to see why mediations are commissioned and in particular the role of mediation in the avoidance of an Employment Tribunal claim. The questionnaire listed a range of possible scenarios had mediation not taken place and asked that mediation commissioners classify each as either 'high', 'medium' or 'low' risk in respect of that particular mediation. Table 2 indicates that the concern of the organisation was more about reducing absenteeism and improving working relationships than dismissing an employee or concern about an Employment Tribunal claim.

**Table 2: Commissioner's risk assessment**

	Risk			Base
	High	Medium	Low	
One or more individuals being absent from work over the issue	71%	15%	13%	97
One or more employees leaving the organisation over the issue	41%	32%	27%	94
One or more employees being dismissed from the organisation over the issue	17%	24%	59%	88
An Employment Tribunal case resulting from the issue	33%	37%	31%	95
A negative impact on wider working relationships	69%	23%	7%	98

Mediation Commissioners were also asked about the length of time the issue had been ongoing prior to the mediation intervention. As reported in Table 3, almost six out of every ten disputes (58 per cent) had been ongoing for more than six months, and the issue had been unresolved for a year or more in 30 per cent of cases.

**Table 3: Length of time the issue had been ongoing prior to mediation**

Less than one month	2%
One month to less than three months	20%
Three months to less than six month	19%
Six months to less than one year	29%
One year or more	30%
Base	98

Mediation Commissioners were surveyed on what steps had been taken prior to the mediation intervention and asked to select all stages that applied. As is evident in table 4, the most common initial steps were a formal grievance meeting (in 41 per cent of cases), an informal grievance meeting (in 39 per cent of cases) and the involvement of a trade union or other employee representative (in 36 per cent of cases).

**Table 4: Steps taken prior to mediation**

An informal disciplinary meeting	12%
An informal grievance meeting	39%
A formal disciplinary meeting	12%
A formal grievance meeting	41%
The final stage of a disciplinary or grievance procedure	14%
The involvement of trade union or other employee representatives	36%
An Employment Tribunal case	2%
None of the above	15%
Base	98

Respondents could select as many options as were appropriate. Therefore total is greater than 100%

In more than four out of every five cases (83 per cent), commissioners identified improving working relationships between individuals concerned as the main objective of the mediation. The next most common objective cited, representing 11 per cent of mediations, regarded managing staff absence (including both facilitating a return to work and preventing a long-term absence). A small minority cited preventing an Employment Tribunal case (four per cent) and preventing a resignation (two per cent) as the primary objective.

Mediation participants were asked about the level of control they had in the decision to take part in the mediation process. Just fewer than half of participants (47 per cent) were fully able to make their own decision about whether to take part, just over one third (34 per cent) were encouraged to take part but felt they could have declined if they wanted to, 14 per cent felt pressured to take part such that it would have been difficult to say no, and the remaining five per cent were given no choice. Of those pressurised to participate or given no choice at all, all but one (96 per cent) stated that most of the pressure was exerted by their employer.

## **5 The mediation process and outcome**

Six out of every ten mediation participants (60 per cent) indicated that the mediation took place at their employer's premises; just fewer than one quarter (24 per cent) took place on Acas premises and the remainder (16 per cent) somewhere else.

The vast majority of mediation participants (94 per cent) were not accompanied during the mediation process and of these two thirds (67 per cent) were satisfied with this arrangement, almost one in six (15 per cent) would have preferred to have been accompanied and a further 18 per cent answered 'don't know'.

Participants were asked if the issues had been resolved following the mediation process. Table 6 shows that almost three quarters (73 per cent) felt the issue had either been completely or partly resolved, with the remainder (27 per cent) stating it had not at all been resolved.

**Table 6: Whether participant felt mediation resolved underlying issues**

Completely resolved	24%
Partly resolved	49%
Not at all resolved	27%
Base	165

Participants who felt that the issue had either been completely or partly resolved by mediation were asked the extent to which they were satisfied with the agreement reached. As reported in table 7, more than four in five respondents (82 per cent) were either 'very satisfied' (31 per cent) or 'fairly satisfied' (50 per cent) with the outcome reached.

**Table 7: Participants' satisfaction with agreement reached [if underlying issues either completely or partly resolved]**

Very satisfied	31%
Fairly satisfied	50%
Neither satisfied nor dissatisfied	15%
Fairly dissatisfied	3%
Very dissatisfied	-
Base	115

To explore further the factors that lead to a satisfactory outcome, participants were asked their views on the timing of the mediation. The majority of participants (59 per cent) felt that the mediation intervention was too late, whilst 41 per cent felt that the timing was about right. No participants felt that the mediation came too early in the process. Amongst those who felt the timing of mediation was too late, 28 per cent felt the issue has not been resolved at all, as opposed to 16 per cent of those who felt the timing was about right.

## **6 Satisfaction with the Acas Individual Mediation**

Overall, as shown in Table 8, 79 per cent of participants were either 'very satisfied' (47 per cent) or 'fairly satisfied' (31 per cent) with the Acas mediation. This level of satisfaction is consistent amongst both employee and management participants.

**Table 8: Mediation participants' satisfaction with mediation**

Very satisfied	47%
Fairly satisfied	31%
Neither	15%
Fairly dissatisfied	4%
Very dissatisfied	2%
Base	159

As is to be intuitively expected, there was a strong link between whether the issue had been resolved and a participant's overall satisfaction with the mediation: all respondents who considered the issues to be 'completely resolved', 87 per cent of those who considered the issues to be 'partly resolved' and fewer than half (43 per cent) of those who felt the issues were 'not at all resolved' were satisfied (either 'very satisfied' or 'fairly satisfied') with the mediation.

Just over two thirds (68 per cent) indicated that they would participate in mediation again, approximately one in seven (14 per cent) would not and the remainder (18 per cent) were unsure. As with overall satisfaction, participants who felt the mediation had resolved the issue indicated greater willingness to engage in the process again.

Overall, 89 per cent of mediation commissioners were satisfied with the Acas Individual Mediation service (55 per cent 'very satisfied', 34 per cent 'fairly satisfied').

**Table 9: Commissioners' overall satisfaction with the service**

Very satisfied	55%
Fairly satisfied	34%
Neither satisfied nor dissatisfied	6%
Fairly dissatisfied	4%
Very dissatisfied	1%
Base	97

This high level of satisfaction is reinforced by the positive responses to other questions in the survey: 85 per cent indicated they would use mediation again and 88 per cent would recommend the service to a colleague.



